

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

LEARNING RESOURCES, INC., *et al.*,

Plaintiffs-Appellees,

v.

DONALD J. TRUMP, President of the  
United States, in his official capacity, *et al.*

Defendant-Appellants.

No. 25-5202

**NOT YET SCHEDULED FOR  
ORAL ARGUMENT**

**MOTION TO GOVERN FUTURE PROCEEDINGS**

Pursuant to this Court’s June 11 Order, as well as Federal Rule of Appellate Procedure 27, D.C. Circuit Rules 27(e) and 47.2(a), and 28 U.S.C. § 1657(a), Plaintiffs renew their request to expedite consideration of Defendants’ preliminary injunction appeal through this motion. This Court should adopt a briefing and argument schedule to allow resolution of this appeal in parallel with the Federal Circuit appeals, which this week recognized that the related “cases present issues of exceptional importance warranting expedited” consideration. Order 3, *V.O.S. Selections, Inc. v. Trump*, No. 25-1812 (Fed. Cir. June 10, 2025), Dkt. No. 51 (Attachment A). Defendants have informed us that they oppose our proposed schedule and plan to file a separate response to this Court’s Order.

1. On June 10, 2025, the Court of Appeals for the Federal Circuit stayed pending appeal the injunction of the challenged IEEPA tariffs from the Court of International Trade (CIT), and directed the parties there to jointly file a proposed expedited briefing schedule that would allow the Federal Circuit to hold argument at 10:00 a.m. on July 31, 2025. *See V.O.S.* Order 3-4. The parties to the Federal Circuit proceeding have proposed the following briefing schedule:

Opening Brief: June 24

Response Brief: July 8

Reply Brief: July 18

Amicus briefs: same date as the principal brief of the party the amicus supports

Joint Mot. To Set Briefing Schedule, *V.O.S.*, Dkt. No. 52 (Attachment B).

2. Plaintiffs request that this Court enter the same or similar briefing schedule allowing for argument in this appeal no later than August 1, 2025. (Plaintiffs note that their arguing counsel will be overseas from August 2-11.)

3. Expedition on this proposed schedule is necessary. Now (unlike when the prior motion was submitted) the Federal Circuit in the parallel cases from the CIT has issued a stay pending appeal, including of the nationwide injunction that would have benefited Plaintiffs. As a result, Plaintiffs are continuing to suffer irreparable harms—indeed, as the district court recognized, facing “existential threat to their businesses.” Op. 28 (D.D.C. May 29, 2025), Dkt. No. 37; *see id.* at 29 (rejecting

government’s argument that such “harms are speculative and conclusory”). “And because their financial recovery is limited to the value of any tariffs they wrongly pay, Plaintiffs will not be able to recover lost profits, lost customers, or the additional costs of finding replacements for high-tariff imports.” *Id.* (internal citation, quotation marks, and alterations omitted). Because both lower court injunctions have been stayed, those irreparable harms are only mounting.

4. All parties agree that this appeal presents a question of paramount legal and practical importance. Asserting authority under the IEEPA, the President with the stroke of a pen doubled the Nation’s effective tariff rate to the highest it has been in more than a century. No President in IEEPA’s history has relied on that law to issue *any* tariff. Yet the current Administration has used it to impose sweeping tariffs to reshape the national economy and global trade policy, raising taxes on Americans by hundreds of billions of dollars. Defendants themselves have emphasized the “significance of these issues.” Mot. for Stay of Prelim. Inj. Pending Appeal 4 (D.D.C. June 2, 2025), Dkt No. 41. Defendants submitted to the district court declarations from no less than four Cabinet members—the Secretary of State, Secretary of the Treasury, Secretary of Commerce, and U.S. Trade Representative—to highlight the consequential nature of the issues at play. And the Federal Circuit just concluded that the related cases in that court “present issues of exceptional

importance warranting expedited en banc consideration of the merits in the first instance.” *V.O.S.* Order 3

5. Because just one of the lower courts—either the district court below or the CIT—has jurisdiction over challenges to the IEEPA tariffs, aligning the schedule for the two appeals will facilitate timely resolution and potential Supreme Court consideration of both cases together. That critical reason is why Plaintiffs filed the (unopposed) Motion to Defer Ruling on June 9 in anticipation of the Federal Circuit’s June 10 stay and scheduling order. Otherwise the Supreme Court would risk not having a proper vehicle to resolve the merits of the exceptionally important and urgent issues presented.

\* \* \* \* \*

For the foregoing reasons, the Court should set a briefing schedule that aligns with that set in the parallel Federal Circuit appeals to allow oral argument no later than August 1, 2025.

Respectfully submitted,

/s/ Pratik A. Shah

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June 12, 2025

## **CERTIFICATE OF COMPLIANCE**

The foregoing motion is in 14-point Times New Roman proportional font and contains 736 words, and thus complies with Federal Rule of Appellate Procedure 27(d)(1)-(2).

/s/ Pratik A. Shah

Pratik A. Shah

## **CERTIFICATE OF SERVICE**

I hereby certify that on June 12, 2025, I electronically filed the foregoing with the Clerk of the Court of the U.S. Court of Appeals for the District of Columbia using the appellate CM/ECF system.

/s/ Pratik A. Shah  
Pratik A. Shah

# **ATTACHMENT A**



NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**V.O.S. SELECTIONS, INC., PLASTIC SERVICES  
AND PRODUCTS, LLC, dba Genova Pipe,  
MICROKITS, LLC, FISHUSA INC., TERRY  
PRECISION CYCLING LLC,  
*Plaintiffs-Appellees***

**v.**

**DONALD J. TRUMP, in his official capacity as Pres-  
ident of the United States, EXECUTIVE OFFICE OF  
THE PRESIDENT, UNITED STATES, PETE R.  
FLORES, Acting Commissioner for United States  
Customs and Border Protection, in his official ca-  
pacity as Acting Commissioner of the United States  
Customs and Border Protection, JAMIESON  
GREER, in his official capacity as United States  
Trade Representative, OFFICE OF THE UNITED  
STATES TRADE REPRESENTATIVE, HOWARD  
LUTNICK, in his official capacity as Secretary of  
Commerce, UNITED STATES CUSTOMS AND  
BORDER PROTECTION,  
*Defendants-Appellants***

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2025-1812

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Appeal from the United States Court of International  
Trade in No. 1:25-cv-00066-GSK-TMR-JAR, Judge Gary S.

Katzmann, Judge Timothy M. Reif, and Senior Judge Jane A. Restani.

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**STATE OF OREGON, STATE OF ARIZONA, STATE  
OF COLORADO, STATE OF CONNECTICUT,  
STATE OF DELAWARE, STATE OF ILLINOIS,  
STATE OF MAINE, STATE OF MINNESOTA, STATE  
OF NEVADA, STATE OF NEW MEXICO, STATE OF  
NEW YORK, STATE OF VERMONT,**  
*Plaintiffs-Appellees*

**v.**

**PRESIDENT DONALD J. TRUMP, UNITED STATES  
DEPARTMENT OF HOMELAND SECURITY,  
KRISTI NOEM, Secretary of Homeland Security, in  
her official capacity as Secretary of the Department  
of Homeland Security, UNITED STATES CUSTOMS  
AND BORDER PROTECTION, PETE R. FLORES,  
Acting Commissioner for United States Customs  
and Border Protection, in his official capacity as  
Acting Commissioner for U.S. Customs and Border  
Protection, UNITED STATES,**  
*Defendants-Appellants*

\_\_\_\_\_  
2025-1813  
\_\_\_\_\_

Appeal from the United States Court of International  
Trade in No. 1:25-cv-00077-GSK-TMR-JAR, Judge Gary S.  
Katzmann, Judge Timothy M. Reif, and Senior Judge Jane  
A. Restani.

\_\_\_\_\_  
**ON MOTION**  
\_\_\_\_\_

V.O.S. SELECTIONS, INC. v. TRUMP

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Before MOORE, *Chief Judge*, LOURIE, DYK, PROST, REYNA,  
TARANTO, CHEN, HUGHES, STOLL, CUNNINGHAM, and  
STARK, *Circuit Judges*.<sup>1</sup>

PER CURIAM.

## O R D E R

The United States’s motions for a stay of the United States Court of International Trade’s rulings enjoining certain Executive Orders imposing tariffs, the Plaintiffs-Appellees’ oppositions, and the United States’s reply were presented to all circuit judges of this court in regular active service who are not recused or disqualified. Both sides have made substantial arguments on the merits. Having considered the traditional stay factors, *see* Fed. R. App. P. 8; *Nken v. Holder*, 556 U.S. 418, 426 (2009), the court concludes a stay is warranted under the circumstances. *See also Trump v. Wilcox*, 605 U.S. \_\_\_, 145 S. Ct. 1415, 1415 (2025) (per curiam) (“The purpose of . . . interim equitable relief is not to conclusively determine the rights of the parties, but to balance the equities as the litigation moves forward.” (quoting *Trump v. Int’l Refugee Assistance Project*, 582 U.S. 571, 580 (2017))). The court also concludes that these cases present issues of exceptional importance warranting expedited en banc consideration of the merits in the first instance.

Accordingly,

IT IS ORDERED THAT:

- (1) The motions for a stay pending appeal are granted.
- (2) All motions for leave to file briefs amicus curiae regarding the stay motions are granted.
- (3) These consolidated cases will be heard en banc under 28 U.S.C. § 46 and Federal Rule of Appellate Procedure

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<sup>1</sup> Circuit Judge Newman did not participate.

40(g). The court en banc shall consist of all circuit judges in regular active service who are not recused or disqualified in accordance with the provisions of 28 U.S.C. § 46(c).

(4) Within two business days from the issuance of this order, the parties are directed to jointly file a proposed expedited briefing schedule. The proposed briefing schedule should allow for this court to hold oral argument on July 31, 2025 at 10:00 A.M. in Courtroom 201. If the parties cannot agree upon a schedule, the joint submission should include the parties' alternative proposals.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

June 10, 2025  
Date

# **ATTACHMENT B**

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

V.O.S. SELECTIONS, INC., et al.,

Plaintiffs-Appellees,

v.

DONALD J. TRUMP, et al.,

Defendants-Appellants.

No. 25-1812

STATE OF OREGON, et al.,

Plaintiffs-Appellees,

v.

DONALD J. TRUMP, et al.,

Defendants-Appellants.

No. 25-1813

**JOINT MOTION TO SET BRIEFING SCHEDULE**

Pursuant to the Court’s order of June 10, 2025, directing the parties “to jointly file a proposed expedited briefing schedule” that would “allow for this court to hold oral argument on July 31, 2025,” the parties have conferred and jointly propose the following schedule in these consolidated appeals:

Opening Brief: June 24

Response Briefs<sup>1</sup>: July 8

Reply Brief: July 18

The parties further propose that the Court order that any amicus briefs be filed on the same day as the principal brief of the party the amicus brief supports. The *V.O.S.* and *Oregon* appellees state that they offer consent to all timely filed amicus briefs. *See* Fed. R. App. P. 29(a)(2). Parties seeking to file amicus briefs should continue to seek the position of the government appellants under Rule 29(a)(2), though the government intends to consent to timely briefs.

Respectfully submitted,

MICHAEL S. RAAB  
BRAD HINSHELWOOD

/s/ Daniel Winik

DANIEL WINIK

SOPHIA SHAMS

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<sup>1</sup> The *V.O.S.* and *Oregon* appellees intend to file separate response briefs unless the Court orders otherwise.

/s/ Jeffrey Schwab

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### **CERTIFICATE OF COMPLIANCE**

This motion complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 156 words. This motion was prepared using Word for Microsoft 365 in 14-point Book Antiqua, a proportionally spaced typeface.

/s/ Daniel Winik

Daniel Winik